

Appendix B:

Statement of Overriding Considerations

CEQA requires the Metropolitan Transportation Commission (MTC) to balance the benefits of the Transportation 2030 Plan against its significant unavoidable environmental effects in determining whether to approve the project. Since the EIR identifies significant impacts of the Transportation 2030 Plan that cannot feasibly be mitigated to below a level of significance, MTC must state in writing its specific reasons for approving the project in a “statement of overriding considerations” pursuant to sections 15043 and 15093 of the CEQA Guidelines. This Statement of Overriding Considerations sets forth the specific reasons supporting MTC’s action in approving the Transportation 2030 Plan, based on this EIR and other information in the record of proceedings.

In making the statement of overriding considerations, “CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable’.” (CEQA Guidelines, Section 15093(a)) This statement focuses on the larger, more general reasons for approving the project.

MTC has examined a reasonable range of alternatives to the Transportation 2030 Plan. This analysis is fully documented in the EIR on the Transportation 2030 Plan. Based on this examination, MTC has determined that (1) there are numerous tradeoffs in impacts associated with the various alternatives, (2) the alternatives would result in varying degrees of achieving the Transportation 2030 Plan goals, (3) the Transportation 2030 Plan is environmentally preferred in the transportation issue area, (4) the No Project alternative is the environmentally superior alternative, and (5) because the No Project cannot be selected, the TRANSDEF Smart Growth alternative becomes the environmentally superior alternative if all impact areas are given equal weight; however, there are significant reservations about the feasibility of this alternative and therefore its ability to meet the project objectives.

CEQA does not require lead agencies to analyze “beneficial impacts” in an EIR. Rather, EIRs focus on potential “significant effects on the environment” defined to be “adverse.” (Pub. Resources Code, § 21068.) Nevertheless, decision makers may be aided by information about project benefits. These benefits can be cited, if necessary, in a statement of overriding considerations (CEQA Guidelines, § 15093).

In addition to transportation benefits, other legal, social, and feasibility issues were factored into the decision process. Also, as discussed in the EIR, policy makers factored in the relative importance of the various environmental issue areas in making their final decision.

TRANSPORTATION 2030 PLAN GOALS AND OBJECTIVES

The goals and objectives for the Transportation 2030 Plan were developed in direct response to public comment. At the June 2003 Transportation Summit, the goals for the 2001 Regional Transportation Plan were criticized as being too broad to provide meaningful direction for a long-range regional transportation plan. In addition, there was an overwhelming call for more measurable objectives in the plan that would allow MTC to chart progress towards the goals. In September 2003, MTC and its public agency partners proposed nine more specific goals for the Transportation 2030 Plan. These goals and objectives were tested with the public through numerous workshops and focus groups. In December 2003, the Commission adopted a final set of goals for the Transportation 2030 Plan.

The Transportation 2030 Plan is intended to guide future transportation improvements for the Bay Area in the context of six policy goals set by the Commission:

- A safe and well maintained system
- A reliable commute
- Access to mobility
- Livable communities
- Clean air
- Efficient freight travel

The objectives for each of these goals are identified in the Transportation 2030 Plan. In addition, the MTC approved a five-point transportation/land use policy platform to further coordinate transportation and land use planning within the Bay Area and with neighboring regions.

The components of the Transportation 2030 Plan are designed to fully achieve the project objectives. The Plan includes a financially constrained subset of projects (Financially Constrained Element) in full compliance with federal planning regulations, that is, it identifies projects that can be delivered with revenues that are deemed to be reasonably available over the planning period. In addition, as permitted by federal, state and MTC statutes, the Plan also includes illustrative transportation projects that would have benefits if additional revenues were secured in the future (Vision Element). Projects within the Vision Element would be funded by specific revenue sources identified in the Plan that would have a reasonable chance of being approved over the next 25 years (including new or reauthorized county transportation sales taxes, higher gas taxes, higher vehicle registration fees, a High Speed Rail Bond, revenues from a system of High-Occupancy Toll (HOT) lanes, and so forth). With this set of projects, the Plan meets the project objectives better than any of the other alternatives.

ENVIRONMENTAL IMPACT ANALYSIS AND PROJECT BENEFITS

This EIR examined the environmental impacts of the Transportation 2030 Plan in the areas of Transportation, Air Quality, Energy, Geology and Seismicity, Biological Resources, Water

Resources, Visual Resources, Noise, Cultural Resources, Land Use, Housing, and Social Environment, and Growth Inducement. MTC has identified significant environmental impacts that cannot be mitigated as shown in Draft EIR Table S-1.

These potentially significant unavoidable impacts include:

- Conversion of important farmland, although the exact quantity cannot be determined until individual transportation project plans are defined;
- Disruption or displacement of existing land uses, neighborhoods, and communities;
- Cumulative land use change effects;
- Potential cumulative air quality impacts for small particulate matter
- Consumption of energy;
- Increased cumulative noise levels;
- Potential damage of transportation infrastructure from seismic events;
- Potential impacts on special-status plant and/or wildlife species and cumulative fragmentation of wildlife habitat; and
- Obstruction of views or change in visual character, from new transportation facilities or sound walls.

As described in the Findings (Appendix A of the Final EIR), many of these impacts will be substantially reduced through implementation of mitigation measures identified in the EIR. In other cases, the EIR states that impacts may be reduced to levels that are not significant, but the impact is still classified as “significant” because the effectiveness of mitigation cannot be determined at this time due to the preliminary nature of the individual project designs.

This EIR also examined five alternatives, including different mixes of transportation projects, land use assumptions, and transportation pricing assumptions:

- No Project Alternative (CEQA mandated alternative)
- Financially Constrained Transportation 2030 Plan Alternative
- Financially Constrained Transportation 2030 Plan Plus Sales Tax Alternative
- Financially Constrained Transportation 2030 Plan Plus High-Occupancy Toll (HOT) Network Alternative
- TRANSDEF Smart Growth Alternative

While the TRANSDEF Smart Growth Alternative was found to have the least environmental impact (other than the No Project alternative), it and all of the other alternatives have significant impacts in one or more issue areas that cannot be mitigated. The EIR finding of the environmentally superior alternative was based on equal weighting of each environmental issue area. A comparison of the Transportation 2030 Plan and the alternatives reveals the following offsetting environmental factors of the Transportation 2030 Plan:

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- The Transportation 2030 Plan is environmentally superior in the transportation issue area. It provides the most benefits to transportation. The No Project Alternative, which results in the least amount of overall adverse environmental impacts, performs the worst in the transportation issue area. The second environmentally preferred alternative, TRANSDEF Smart Growth alternative, is less favorable than the Transportation 2030 Plan with regard to transportation impacts.
- All alternatives demonstrate reduced air quality impacts for ROG, NO_x, and CO compared to existing conditions and the No Project alternative due to stringent emission controls on automobile engines. The Transportation 2030 Plan performs better than all alternatives in reducing the rate of increase in small particulate matter, except for the TRANSDEF Smart Growth alternative, which assumes untested strategies to re-orient future development to provide intensified growth in certain areas and implement new pricing measures for vehicle and transit users.
- The Plan is environmentally superior to all other alternatives in regards to seismic safety risks. The Plan would actually improve seismic safety relative to the other alternatives.
- All alternatives would consume energy; the Transportation 2030 Plan is highest in energy consumption due to short-term energy needed to construct new facilities and energy needed to support substantially higher transit vehicle use, relative to other alternatives. This energy use is necessary to establish and implement the transportation network that will achieve the best transportation performance.
- The Transportation 2030 Plan includes a number of projects that have been developed through a variety of public processes and actions to approve funding. The TRANSDEF Smart Growth alternative would result in less severe impacts on biological resources, water quality, visual resources, cultural resources, and farmland primarily due to the exclusion of a significant number of new transportation construction projects that have public support and funding approval. Excluding these projects would require voter approval or rejection of prior voter mandates. This is an issue that undermines the feasibility of the TRANSDEF Smart Growth alternative.
- The potential conversion of farmland and disturbances to biological resources and land uses are conservative estimates. The EIR land use and biological resources analysis took a “worst case” approach (Draft EIR, page 2.3-27 and 2.8-13), meaning that it assumed that resource land would be converted to transportation uses and that land uses within a substantial swath along proposed transportation projects may be impacted. In doing so, the severity of the potential impacts may be overstated or “inflated.” As stated on page 2.8-13, regarding biological impacts, “...while such impacts may be identified in this EIR, upon project implementation it is anticipated that actual impacts will be incrementally smaller. Laws and regulations protecting special-status species, areas of ecological significance, and wetland resources are effective incentives for project proponents to design alternatives that either avoid or substantially reduce impacts on these resources.” Due to the programmatic level of analysis in the EIR and lack of project-specific plans, it is not possible to define the exact extent of potential impact, so it is not possible to ascertain with certainty whether the identified mitigation measures for these impacts will

reduce impacts to levels considered “not significant.” However, it is likely that, with proper design and planning, many of the identified impacts can be avoided or minimized.

- Numerous impacts of the Transportation 2030 Plan would be short-term effects related to construction of new transportation facilities. These impacts, for the most part, can be mitigated to levels that are not significant. The differences in impacts, once mitigated, between the Transportation 2030 Plan and alternatives are not substantial.

Specifically, the Transportation 2030 Plan would provide the following transportation advantages over the other alternatives, as discussed in the EIR:

- The Transportation 2030 Plan would result in shorter average travel times per trip for all trips (work, non-work, and truck trips) except for non-work trips under the Financially Constrained Plus Sales Tax alternative and truck trips under the TRANSDEF Smart Growth alternative.
- The Transportation 2030 Plan generally increases accessibility to jobs by auto and transit due to the extensive level of transportation improvements. All alternatives perform less well compared to the Plan except for the TRANSDEF Smart Growth alternative due to the approach taken by TRANSDEF to redistribute regional growth and further intensify new development beyond Projections 2003, ABAG’s adopted growth projections. This is an issue that undermines the feasibility of the TRANSDEF Smart Growth alternative.
- The Transportation 2030 Plan would result in the least daily vehicle hours of delay of all the alternatives (other alternatives produce 8 percent to 49 percent more delay).
- The Transportation 2030 Plan would result in the least number of daily vehicle trips except for the TRANSDEF Smart Growth alternative. This is because the TRANSDEF alternative redistributed regional growth, included strategies that increase the cost of auto use relative to transit, and focused on funding transit expansion projects over further roadway expansion, thus reducing vehicle trips.
- The Transportation 2030 Plan would result in the least amount of congestion, measured in Vehicle Miles of Travel (VMT) at Level of Service (LOS) F, when combining all roadway facilities types (other alternatives generate 12 percent to 24 percent more total VMT at LOS F).

FEASIBILITY OF TRANSDEF SMART GROWTH ALTERNATIVE

MTC and other agencies have identified specific concerns with the overall feasibility of the TRANSDEF Smart Growth alternative. As described on page 3.1-4 of the Draft EIR, analysis of the TRANSDEF Smart Growth alternative was included in the EIR as part of a settlement agreement between MTC, TRANSDEF, and Communities for a Better Environment and the Bay Area Air Quality Management District in March 2004. Appendix D.1 of the Draft EIR explains the assumptions of the TRANSDEF Smart Growth Alternative, and notes that local governments have not reviewed the land use assumptions, which differ from ABAG’s adopted land use assumptions in Projections 2003. Draft EIR Appendix D.2 includes a detailed comparison of the differences between Projections 2003 and the TRANSDEF Smart Growth Alternative land use assumptions.

Specific feasibility issues addressed in the Draft EIR relate to land use authority, elimination of projects from the Plan that already have full funding via voter approved revenues and other sources, and the implementation of untested pricing strategies (pages 3.1-37 and 38). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, and jurisdictional boundaries. Specific feasibility issues are discussed below.

1. The Transportation 2030 Plan is preferred to the TRANSDEF Smart Growth alternative because the performance of the TRANSDEF Smart Growth alternative is predicated on land use assumptions that can not be realized without substantial governmental intervention, through regulation or new incentives to create public funding for housing and infrastructure improvements and increased levels of public services and facilities which would be needed by the proposed intensification of residential development in the urban core. The superior performance of the TRANSDEF Smart Growth Alternative in reducing vehicle trips and in providing improved accessibility to jobs is likely due in part to the assumed redistribution of regional growth. Unresolved conflicts with local General Plans, community character and local economic development objectives also would affect implementation of the land use assumptions. Comments from the county Congestion Management Agencies (CMAs) and other public agencies confirm this concern regarding the feasibility of the TRANSDEF land use assumptions. To the extent that both ABAG's Projections 2003 and TRANSDEF's land use scenario assume some changes to local general plans through incentives or other approaches, the TRANSDEF alternative land use assumptions clearly involve more dramatic changes for some areas as shown in Appendix D.2 of the Draft EIR. For example, by assuming a dramatically larger population in the urban core of San Francisco (substantially beyond the City's Housing Element projections), some regional transportation impacts were minimized. Table 3.1-14 in the Draft EIR summarizes the differences in land use assumptions.
2. A significant number of approved and funded transportation projects are excluded from the TRANSDEF Smart Growth alternative so funding can be shifted to other projects (largely from road to transit projects); however, some of these funding re-allocations would require voter approval or rejection of prior voter mandates. Comments on the Draft EIR from the CMAs and other public agencies confirm this problem.
3. The exclusion of these projects and programs would be in conflict with countywide transportation plans as noted by the CMAs. Specifically, the state regional transportation plan guidelines state that the RTP should "identify and incorporate other State and local transportation plans and programs." Moreover, this alternative assumes that regional funding commitments to specific projects established through years of planning and public involvement can be overturned and that the public will accept a new set of transportation priorities. A number of these proposals would need to be implemented jurisdiction by jurisdiction and could require voter-approval.
4. The viability of various proposed new revenue sources is not known. The ability to implement the transit service improvements in the TRANSDEF alternative depends on freeing up funds that would be used to construct new transportation improvements, and instead using some of

these funds to pay for the daily operation of an expanded transit system. This approach would require legal review to determine the feasibility of using various funding sources for purposes not specifically spelled out in the legislation or voter approval of these funding sources. Thus, operating the transit services proposed by TRANSDEF could be constrained by this approach.

5. The ability to implement certain transportation pricing strategies assumed in the TRANSDEF Smart Growth alternative that would affect future auto and transit in the region hinges on several untested approaches to using MTC's authority, creating new incentives that may or may not be effective, and perhaps requiring new legislation. Indeed, some pricing strategies such as parking cash-out are expressly limited in application by state law.

BALANCING OF TRANSPORTATION BENEFITS

MTC's decision to adopt the Transportation 2030 Plan rather than any of the alternatives is based on the above factors and on balancing the benefits related to transportation needs and policy goals for the Bay Area and the environmental effects, both of the project itself and of the various alternatives considered.

1. The transportation investments in the Transportation 2030 Plan best meet the policy goals and objectives established by MTC for a long-range regional transportation plan, as listed above. Specifically, as demonstrated in the EIR, the Transportation 2030 Plan performs best overall of all alternatives in the transportation issue area, considering all of the various impact measures used in the transportation analysis. Therefore, selecting an alternative that is not the best performing alternative overall for transportation would provide less regional transportation benefit and would not achieve objectives as well as the Transportation 2030 Plan.
2. The mobility and access improvements in the Transportation 2030 Plan, coupled with the Transportation/Land Use Policy Platform, will contribute to maintaining a healthy regional economy and improving the quality of life through the diversity of projects and programs contained in the Plan.
3. The Transportation 2030 Plan is consistent with adopted county transportation plans and priorities, as well as voter approved local sales tax expenditure plans and bridge toll programs. These plans and priorities, in turn, reflect the input and concerns of county congestion management agencies, transit operators, local governments, and members of the public.
4. The transportation improvements, goals, and strategies proposed in the Transportation 2030 Plan were derived from an extensive regional public outreach effort lead by MTC, and they reflect broad public support, as documented in the Transportation 2030 Plan and supplemental public outreach reports.
5. MTC has determined, through extensive public outreach that the public is interested in more than a financially constrained Plan, and the new content of the Transportation 2030 Plan with its vision element is intended to respond to this public interest. Furthermore, four county transportation sales tax measures and two transit parcel tax measures that were proposed in

the Vision Element of the Draft Transportation 2030 Plan were subsequently approved by the voters in November 2004, thus demonstrating the public's support for carrying out the Vision Element.

6. The Transportation 2030 Plan would improve mobility in 2030 as compared with the No Project alternative:
 - The average travel time per trip would be reduced by 2 percent for work trips, 1 percent for non-work trips, and 1 percent for truck trips.
 - The accessibility of households to job opportunities within 15, 30, and 45 minutes by auto and by transit would be improved, ranging from 1 percent to 4 percent for autos and 13 percent to 20 percent for transit users.
 - The number of daily vehicle trips would be reduced in all nine counties.
 - The amount of VMT at LOS F would be reduced by 20 percent for freeways, expressways and arterial facilities.
7. The Transportation 2030 Plan would not interfere with the attainment and maintenance of federal and state air quality standards, as follows:
 - Reactive organic gases, nitrogen oxides, and carbon monoxide would decrease substantially compared to today's emissions (ranging from 82 percent to 87 percent less) due largely to the continued long term effects of California's stringent automobile engine emission controls. The Transportation 2030 Plan would reduce emissions of all types of pollutants in 2030 by 1.6 percent to 2.4 percent compared to the No Project conditions.
 - Compared to existing conditions, particulate matter would increase by 34.8 percent for PM₁₀ and by 25.1 percent for PM_{2.5}. This is due to the projected cumulative regional growth in vehicle miles of travel; however the Transportation 2030 Plan would decrease emissions of particulate matter by 1.3 percent for PM₁₀ and by 1.8 percent for PM_{2.5} compared to the No Project conditions.
8. The Transportation 2030 Plan would support mobility between the Bay Area and neighboring regions by improving highway and transit through key interregional gateways, and thus contribute to the economic well being and quality of life for these areas as well as the Bay Area.

OVERRIDING CONSIDERATIONS CONCLUSIONS

For the foregoing reasons, MTC finds that the Transportation 2030 Plan's benefits would outweigh, and therefore override, any adverse environmental impact that could potentially remain after recommended mitigation measures are implemented. Impacts of the Transportation 2030 Plan would be similar to the other alternatives and would be mitigated to the maximum extent feasible. The benefits of improved transportation systems and a feasible set of transportation improvements and funding strategies would offset the residual adverse impacts. Since the overall objectives of the project relate to improving transportation, the MTC believes that it is prudent to select a feasible alternative that performs the best in the issue area of

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transportation. In making this determination, MTC incorporates by reference the Findings of Fact set forth above, as well as all of the supporting evidence cited therein and in the administrative record.

